



Department of Justice

United States Attorney Richard S. Hartunian

Northern District of New York

FOR IMMEDIATE RELEASE

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PHONE: (315) 448-0672

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Richard S. Hartunian, United States Attorney for the Northern District of New York, announced today the Indictment of John Mills, 63, and Terrance Allen, 54, both of Malone, New York, for illegal asbestos removal and disposal activities within various buildings owned by Mills in the Village of Malone, NY. The Indictment contains 11 felony counts.

Mills and Allen are charged in count 1 with a conspiracy to defraud the United States and to violate the Clean Air Act, the Toxic Substances Control Act, and the Comprehensive Environmental Response, Compensation, and Liability Act (also known as CERCLA or the Superfund Act). The allegations relate to the defendants' directing improper asbestos removal and disposal activities, by untrained and unlicensed individuals, and the defendants' failure to report the illegal disposals as required by law. It also relates to actions taken by the defendants' to impede the Environmental Protection Agency (EPA) and Occupational Health Safety and Health Administration (OSHA) in efforts to protect human health and the environment. The illegal asbestos activities

occurred at 100 Elm Street, 144 Elm Street, 458 East Main Street, 213 West Main Street, and 88 College Avenue, all in Malone, NY.

Both defendants are further charged in counts 2-6 with violating the Clean Air Act relating to the failure to notify the EPA prior to undertaking an asbestos renovation project at 144 Elm Street, Malone, NY, permitting the work to be done in the absence of any supervisor trained in the safe and proper removal of this substance, the dry stripping and bagging of friable (easily released into the air) asbestos, and its illegal disposal at locations other than an approved landfill.

Both defendants are further charged in count 7 with failing to report the release of a hazardous substance into the environment. These charges relate to the defendants knowledge that many bags filled with asbestos had been removed from 144 Elm Street and ultimately dumped by Allen in a U-Haul owned by Mills, located on property owned by Mills (213 West Main Street, Malone, NY) without reporting the release of a hazardous substance to the National Response Center. Count 8 also charges Mills with a Superfund reporting violation relating to the release of asbestos from his home at 88 College Avenue, Malone, NY. The asbestos was transported and dumped in a shed owned by the Malone Department of Public Works (DPW) near property recently purchased by Mills.

In count 9, Mills is charged with making false representations to EPA Special Agents about what he knew about his employees removing asbestos at his direction, where the asbestos went, and whether the asbestos was inside his U-haul truck.

In count 10, Allen is charged with making false representations to EPA Special Agents about what he knew about any asbestos removal or disposal at any building and his placement of asbestos waste in the U-haul truck.

In count 11, Mills is charged with obstruction of justice for retaliating against one of his former employees who reported the illegal asbestos activities to federal authorities. Mills is charged with firing the employee, informing him he would never again work in the area, and Mills directed a stop payment order on the employee's pay check.

The conspiracy and substantive counts of the Indictment each carry a maximum possible term of incarceration of five years and a fine of \$250,000, twice the gross gain to each defendant, or twice the gross loss to any victim.

Asbestos has been determined to cause lung cancer, asbestosis and mesothelioma, an invariably fatal disease. The Environmental Protection Agency has determined that there is no safe level of exposure to asbestos.

The allegations in the Indictment are mere accusations and all persons are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

This case was investigated by Special Agents of the Environmental Protection Agency and the New York State Department of Environmental Conservation. Assistance was also provided by the New York State Department of Labor, Asbestos Control Bureau. The case is being prosecuted by Assistant United States Attorney Craig A. Benedict. Questions may be directed to AUSA Benedict at 315-448-0672.